

the switch in a second position," and a sound data playback device in which "the sound data playback device continues the playback of the sound data so long as the switch of the playback selecting device is in the first position," as set forth in independent claims 1, 5 and 23 or "that plays back sound data stored from the input time of a writing information unit till the input time of a next writing information unit," as set forth in claim 12.

The Office Action asserts that Moran discloses reference signs 304 and 305 in Fig. 3, a LiveBoard Window 1601 in Fig. 16 and a mouse as a playback selecting devices (col. 27, lines 19-23). Although the Office Action acknowledges that Moran does not teach or suggest a mouse or a pen with a switch, the Office Action asserts that Oberteuffer remedies the deficiencies of Moran. Specifically, the Office Action asserts that Oberteuffer teaches a pen with a switch for controlling functions, citing col. 1, lines 60-62. Therefore, the Office Action generally alleges, it would have been obvious for a person of ordinary skill in the art to use the pen with the switch of Oberteuffer to control the playback device of Moran to provide multiple ways to activate and control the playback operation. Notwithstanding this allegation, Oberteuffer does remedy the deficiencies of Moran for at least the reasons discussed below.

Oberteuffer teaches, in Fig. 1, a system including a computer system 100 for processing handwritten or hand-drawn input and speech input, a microphone 112, and an electronic pen 114. The computer system 100 includes a mode controller 102, a mode processing logic 104, an interface controller 106, a speech interface 108, a pen interface 110, and an applications program 116 (col. 4, lines 1-7).

Oberteuffer also teaches that the mode controller 102 may switch between various modes M1-M5 and combinations of modes M1-M5 in the mode processing logic 104 according to input received from the interface controller 106 (col. 4, lines 17-20, and col. 7, lines 10-16). At least one selected mode M1-M5 may identify an operating state of the

computer system 100 so that the mode processing logic 104 may respectively recognize speech from the microphone 112, handwritten or hand-drawn pen input from the pen 114, hand-drawn graphic images from the pen 114, command or positional information from the pen 114, and command information from the microphone 112 (col. 4, lines 27-63).

Although the mode controller 102 may switch between various modes M1-M5 and combinations of modes M1-M5, Oberteuffer also teaches that a switch or a button may be connected to the computer system 100, the microphone 112, the pen 114, or any other peripheral device associated with the computer system to control the switching of the modes M1-M5 (col. 7, lines 16-31). Thus, it appears that a switch may be located on the pen 114 to switch between modes M1-M5. Based on the selected mode or combination of modes, operating states of the computer system 100 may be controlled. Therefore, different positions of the switch merely identify different modes M1-M5, e.g., data type for processing. However, the pen 114 does not output a playback start and end signals based on a position of the switch 205.

Although the pen 114 of Oberteuffer may include a switch for switching modes identifying the type of recordable data output to the computer system 100, Oberteuffer does not teach or suggest that the playback of data is conditioned on a position of the switch. Oberteuffer does not even mention controlling playback of recorded information. Further, Oberteuffer does not teach or suggest that the pen 114 outputs a playback start signal and a playback end signal to the computer system 100 so that playback of recorded information may be controlled.

Because Oberteuffer does not mention a relationship between playing back recorded information and the position of the switch, Oberteuffer does not teach or suggest that the pen 114 outputs a playback start and end signals based on a position of the switch and that the

computer system 100 plays back sound data based on a position of the switch and in response to an output of a playback start signal.

For at least the reasons discussed above, Oberteuffer does not remedy the deficiencies of Moran. Thus, Moran and Oberteuffer do not, alone or in permissible combination, teach or suggest the information recording and reproducing apparatus, and storage medium of independent claims 1, 5, 12 and 23.

Therefore, claims 1, 5, 12 and 23 would not have been rendered obvious over Moran in view of Oberteuffer, alone or in permissible combination. Claims 2-4, 6-11 and 13-22 variously depend from claims 1, 5 and 12, and thus also would not have been rendered obvious over Moran in view of Oberteuffer, alone or in permissible combination, for at least the reasons set forth above, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

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